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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK ORMAND DAVIS,

Defendant.

Case Nos. 2:12-cr-373-GMN
2:13-cr-55-GMN

FINDING OF INCOMPETENCY

AND

ORDER PURSUANT TO
18 U.S.C § 4241(d).

FINDING OF INCOMPETENCY

Based on Doctors Gonzalez and Shelton's evaluation, the representations of Defendant's counsel, and the Court's own observation of Defendant at various hearings, the Court finds by a preponderance of evidence that Defendant is incompetent to proceed with his revocation hearings.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant Kirk Ormand Davis is declared to be mentally incompetent to proceed with the supervised release revocation proceedings in this case and is committed to the custody of the Attorney General of the United States pursuant to 18 U.S.C. § 4241.

1 2. The Attorney General shall, pursuant to 18 U.S.C. § 4241(d), hospitalize
2 Defendant for treatment in an appropriate facility for such a reasonable period of time, not
3 to exceed four months, as is necessary to determine whether there is a substantial
4 probability that in the foreseeable future he will attain the capacity to permit the
5 proceedings to go forward; and

6 3. Every forty-five days, beginning on March 15, 2024, the Attorney General
7 or his designee shall file a status report indicating whether Defendant's mental condition
8 has improved.

9 4. If necessary, the Court will entertain a request for an additional period of
10 commitment as authorized under 18 U.S.C. § 4241(d)(2) until the defendant's mental
11 condition has improved or the pending charges are "disposed of according to law."

12 5. To the extent this request can be accommodated, the court requests that
13 Defendant be remanded to Metropolitan Correctional Center San Diego or a suitable
14 facility based upon his particular rehabilitative needs. Irrespective of what facility
15 Defendant is assigned, the Government shall promptly file a notice advising the Court of
16 the facility Defendant has been designated for treatment.

17 IT IS SO ORDERED this January 30, 2024.

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21 THE HONORABLE GLORIA M. NAVARRO
22 UNITED STATES DISTRICT JUDGE
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